

12 CV 03260

Sam H. James Pro-Se

P.O. Box 13

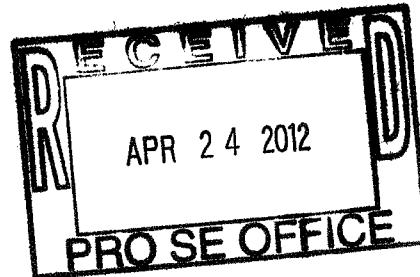
East Orange, New Jersey 07017

United States District Court

Manhattan Community Courts

315 West 54 Streets

New York, New York 10017



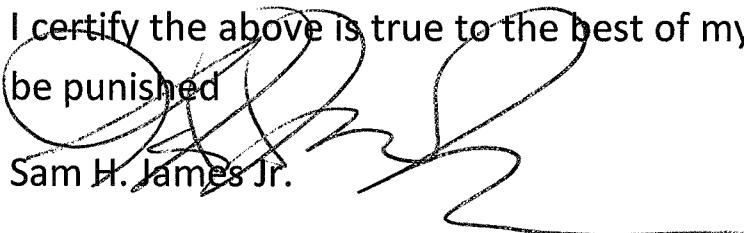
Motion for Notice of Removal from State Court to United States District Court, Title 28, 1446 Section (c) 1; Federal Question, Civil Rights Question

I Sam H. James Jr. request to move case 43345849-8 to United States District Court New York 500 Pearl Street New York, New York 10007-1312. For Denial of Due Process of Law, Court denied my filing of Motion to Dismiss on March 16, 2012. I have Notice in most Municipal or Community Courts fraternal trials are given. My Motion is based on People vs. Torres, Misc. 3D. 126 (A) (Appellate Term 1st Dep't 2003) The assertion The United States Code 1985 (3) the Judge and the Police Officer Conspired to dismiss the Trespassing case in a Private Business, Mc Donald's is a private business. 3078 the Defendant drank or consumed and alcoholic beverage or possessed, "with Intent to drink or consume an open container, an open container, containing an open container, if the summons does not contain these words, the charge is subject to outright dismissal. Also New York Police Officers use discretion as means to discriminate against blacks, on holidays and other incidents because I was with White Woman. I am 21 years of age

legal to drink, and not disorderly. Plus I am Homeless. Section 154 of 23 U.S.C. was designed for Motor Vehicle Law., but not passengers and not Public Streets, the Cities and State Agencies have changed the laws of open container, irrespective of its Federal meaning Motor Vehicles, Racial Profiling by White Officer, because I was with White Woman, On Holiday Jan 2, 2012. Also Racketeering by Municipalities in the United State Federal Jurisdiction various and States have laws for open containers in Motor Vehicles not for the use of Commerce and Trade Articles, State Administrative and Municipal Courts have created laws in another direction creating false penalties for our Citizens, robbing the Public of taxed paid privileges' of Commerce. The Federal Government has no such law, for people who buy Alcoholic Beverages; this is Discrimination, and unequal enforcement of Open Container Laws by Police, against a certain class of Citizens and by Municipal Governments that can be sued as a person. Here we have Municipalities, violating Commerce & Trade people are of drinking lawful age Municipalities are racketeering off of State Law, Possible Human Rights violations by Municipalities. Federal Government should review Rico Act Section 1962(C) Vicarious Liability and arguments for expanding scope and Element. A lot of Americans are Homeless, and cities are violating its own rights Theft by Deception and Unequal Enforcement of Municipal Ordinances by Police officers, the poor are being discriminated against. Attached is the summons's.

I certify the above is true to the best of my Ability, if willfully false I may be punished

Sam H. James Jr.



Notice of Motion for Removal of State Case to United States District Court will be served on all parties and a second Notice of Removal will be served as needed.

CC: Melissa Jackson 646-386-4615 De Minimus Infraction, to trivial to warrant Condemnation of Conviction, but this is what our Unfair Government does to its people.

433458549-8

The People of The State of New York VS.

Susp/Rev Check Yes No
Motorist Exhibited License Yes No

Last Name

First Name

M.I.

James, Sam

Street Address

279 4th Avenue

Apt. No.
406

City

East Orange

State

NJ 07017

ID Number

J03516876807522

Date of Birth

Sex

MO 07 DAY 30 YR 52 M

Lic. State/Mic. Class or ID Type

NJ

OPERATOR AND/OR OWNER OF VEHICLE BEARING LICENSE

Plate No.						Reg. Expires								
PT YPE E	PAS	OMT	COM	OML	Other	AKE	NY	CT	PA	NJ	Other	MO	DAY	YR
							CHEV	FORD	HONDA	DOOG	OLDS			
ED OU DLE	SEDAN	SUBN	VAN	TRUCK	MCY	Other	Veh. Yr.	Veh. Color	Alternate Plate			State		

VIN No.

THE PERSON DESCRIBED ABOVE IS CHARGED AS FOLLOWS

AM Time	PM	Date of Offense	County	Precinct		
10:16	<input type="checkbox"/>	01/03/12	NYC	014		
Place of Occurrence 10 490 8th Avenue						
IN VIOLATION OF		V.T.L.	Traff. Rules	Admin. Code	Penal Code	Other
Sec 10-125 (2b)		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Description of Violation, if Not Shown Below. (If returnable to Criminal Court, indicate Court Location and Date of Appearance below and COMPLETE, DATE, AND SIGN INFORMATION ON REVERSE SIDE.)

Open Container in public

SPEEDING	DISOBEY TRAFF CONT DEV	Uninspec. Veh.	Unreg. Veh.	Unlic. Oper.
MPH	In MPH Zone	<input type="checkbox"/> Sign	Pave Marks	<input type="checkbox"/>
		<input type="checkbox"/> Signal		
			Uninsur. Veh.	Com. Veh.
			Bus	Haz. Mat.

The person described above is summoned to appear at CRIMINAL COURT

Located at 314 W. 54th St. Apt. 101 NYC

Date of Appearance 9:30 a.m. 16th day of March year 2012

I personally observed the commission of the offense charged above. False statements made herein are punishable as a Class A Misdemeanor pursuant to Section 210.45 of the Penal Law. Affirmed under penalty of perjury.

Rank/Title/Signature of Complainant

PO Christopher Cook

Complainant's Full Name (printed) Cook

Command Code 014

Agency/NCIC NYPD Squad 51 Tax Registry No. 938260

I acknowledge receipt of this summons. I understand it is my responsibility to read and comply with the instructions on my copy, and that my signature below is not an admission of guilt.

Name

LTS

Date

01/03/12

CRIMINAL COURT INFORMATION (DESCRIBE OFFENSE)

At T/ho respondent was observed
with open container of alcohol
(1.5 liter bottle of Manischewitz).

WARRANT CHECK

 Yes No

I PERSONALLY OBSERVED THE COMMISSION OF THE OFFENSE CHARGED HEREIN. FALSE STATEMENTS MADE HEREIN ARE PUNISHABLE AS A CLASS A MISDEMEANOR PURSUANT TO SECTION 210.45 OF THE PENAL LAW, AFFIRMED UNDER PENALTY OF PERJURY.

Date

01/03/12

Signature

Christopher Conley

DEFENDANT DESCRIPTION

Eye Color BC Hair Color BK Ethnicity BK
Ht. 6'1 Wt. 220 Phone #

ARRAIGNMENT

Defendant pleads

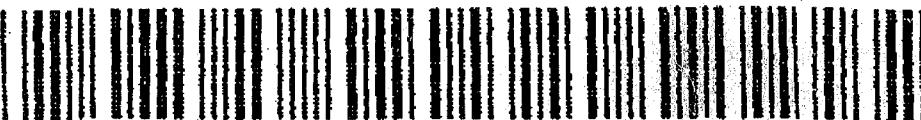
 Guilty Not Guilty

Date

Judge

(1)

(2)



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United States District
Court
Southern District
of
New York
State of New York
vs
Sam D James Jr

Notes of Counsel

